



# City of Gloucester

## City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930  
Telephone 508-281-9722 Fax 508-281-8472

### CITY COUNCIL STANDING COMMITTEE

#### Ordinances & Administration

Monday, March 22, 2010 – 6:30 PM

Council Committee Room - First Floor

City Hall, 9 Dale Avenue

### AGENDA

#### 1. Unfinished Business:

- A) CC2010-009 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Cont'd from 03/15/2010)
- B) CC2010-010 (Verga) Amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22-269.1 "Yield Intersections" re: Intersection of Hesperus Circle & Hesperus Avenue (Continued from 03/15/2010)
- C) CC2010-005 (McGeary) Amend GCO Sec. 22-287 re: one handicapped space in front of 12 Webster Street (Continued from 02/22/2010)
- D) Stormwater Utility Fee (Continued from 3/15/2010)

#### 2. "Friendly eminent domain taking" of parcel known as 14-C2 and Loan Authorization

#### 3. CC2010-011 (Hardy) Order that the City Council review the current council Rules of Procedure in order to bring them up to date

#### 4. CC2010-012 (Hardy) Order in accordance with Sec. 2.7(a) of the City Charter that the City Council review reappointment of the City Clerk

#### 5. Other Business

### COMMITTEE

Councilor Sefatia Theken, Chair

Councilor Ann Mulcahey, Vice Chair

Councilor Bruce Tobey

#### Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor, Jim Duggan  
Linda T. Lowe  
Chief Michael Lane  
Mark Cole

10 MAR 18 AM 11:31  
CITY CLERK  
GLOUCESTER, MA

## **ORDINANCES & ADMINISTRATION COMMITTEE**

Monday, March 22, 2010

### **AGENDA ITEMS**

#### **DOCUMENTATION PREVIOUSLY ON FILE AS FOLLOWS:**

1. Unfinished Business:
  - A) CC2010-009 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations
  - B) CC2010-010 (Verga) Amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22-269.1 "Yield Intersections" re: Intersection of Hesperus Circle & Hesperus Avenue
  - C) Stormwater Utility Fee
2. "Friendly Eminent Domain Taking" of Parcel Known as I4-C2 and Loan Authorization  
(This matter has documentation on file at City Website and in the City Clerk's office)



## **CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2010-011</b>
<b>COUNCILLOR:</b>	<b>Jackie Hardy</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>03/16/2010</b>
<b>REFERRED TO:</b>	<b>O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**ORDERED** that the City Council review the current council Rules of Procedure in order to bring them up to date, and further

**ORDERED** that this matter be referred to O&A for recommendations

Councillor Jackie Hardy

# **CITY COUNCIL – CITY OF GLOUCESTER**

## **RULES OF PROCEDURE 1997-1998**

(Revised by Vote of the City Council 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94/, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 and 1/15/02)

### **RULE 1: MEETINGS**

- A. Regular City Council meetings shall be held every other Tuesday beginning May 3, 1994, including the months of June, July, and August, and shall begin at 7:00 P.M., unless the City Council votes otherwise.
- B. All regular meetings shall be concluded on or before 11:00 P.M. unless extended by a 2/3's vote of the Council members present. Such an extension shall not exceed 30 minutes in length. If necessary, the meeting shall be continued to another evening.
- C. Special meetings of the City Council may be called in accordance with Section 2-5 of the City Charter.
- D. When a City Councilor is unable to be present or arrival will be delayed at the City Council Meeting or a Standing Committee meeting, he or she shall report same in advance to the City Clerk's Office or to the Clerk of Committees.

### **RULE 2: ORDER OF BUSINESS**

The following list establishes the Order of Business for City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience:

- 1. Flag Salute
- 2. Moment of Silence
- 3. Oral Communications\*
- 4. Commendations \*\*
- 5. Confirmation of Appointments
- 6. Consent Agenda
- 7. Mayor's Report
- 8. Councilor Requests to the Mayor
- 9. Approval of Previous Minutes
- 10. Unfinished Business
- 11. Scheduled Public Hearings
- 12. Standing Committee Reports
- 13. Communications
- 14. Applications and Petitions
- 15. Councilors' Orders
- 16. Council Discussion, including reports by appointed Councilors to Committees.
- 17. Name of Councilor by rotation designated to vote first on roll calls.
- 18. Listing of Minutes from miscellaneous Boards filed for record.

\* Oral Communications shall allow any resident who has a request or complaint of any nature relative to City business to appear before the Council, state their problem, without debate, and the matter shall be referred to the proper agency, through the Office of the Mayor. The resident must be notified in writing within 2-week period of disposition of same, and a copy shall be forwarded to the City Council.

\*\*Commendations – When Councilors submit orders for commendations, the Council President shall schedule them as soon after the final ??? (date?) as practicable.

### **RULE 3: AGENDA PROCEDURE**

- A. All matters to be presented at regular City Council meetings shall be filed with the City Clerk's Office not later than 4:00 P.M. on Wednesday preceding regular Tuesday Council meetings.
- B. Standing Committee reports shall be delivered to the City Council with the agendas. Reports of Committee meetings held on Mondays preceding the regular Council meetings shall not be considered until the next regular meeting (except by unanimous consent of the City Council).
- C. The City Clerk shall arrange delivery of the agendas (calendars of business and enclosures) to the City Councilors on the Friday preceding the regular Council meetings.
- D. Any addendum or other matter filed after the closing time noted, shall be listed on a "Unanimous Consent" calendar and shall be considered at said Council meeting, provided no member objects. If any member objects, then said item(s) shall be considered at the next regular Council meeting.
- E. Whenever correspondence, written reports or other pertinent documents, are received by the Council President or an individual Councilor (in the name of the City, the Council or agencies of the Council) copies of said document(s) shall be filed with the City Clerk for inclusion on the next Council calendar of business; and when possible, copies shall be forwarded to individual City Councilors.

### **RULE 4: PUBLIC HEARINGS**

All public hearings conducted by the City Council shall proceed with the following format which shall be printed on the back of the meeting agenda.

- A. Public Hearing opened by Council President
- B. PRESENTATIONS FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to thirty (30) minutes; others speaking in favor shall be allowed up to five (5) minutes each. Proponents are encouraged to enter into the record, documentation of their presentation testimony.  
In Public Hearings considering general matters, each individual may speak for up to five ( ) minutes
- C. PRESENTATIONS FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to thirty (30) minutes in total; others speaking in opposition shall be allowed up to five (5) minutes each. Opponents are also encouraged to enter into the record documentation of their testimony.
- D. COMMUNICATIONS READ INTO THE RECORD AND FILED.
- E. REBUTTALS. Proponents shall be allowed one person to make rebuttal up to five minutes and opponents shall be allowed a total of five minutes by one person representing the opposition.
- F. QUESTIONS by City Councilors and the audience to either side.
- G. PUBLIC HEARING OFFICIALLY CLOSED.
- H. STANDING COMMITTEE REPORTS. The three "standard" conditions placed upon all Special Council Permits shall be printed on a sheet of paper and handed to the applicant and the reading of same shall be waived each time after the Public Hearing
- I. COUNCIL DISCUSSION.
- J. ROLL CALL VOTE(s). Unless the Council chooses to postpone the vote pending further information.

### **RULE 5: RULES OF DEBATE**

City Council debate shall be guided by the Council President within the following constraints:

- A. No member shall speak more than once on the same question until all other members desiring to speak have spoken;
- B. No member shall have or hold the floor for more than 5 consecutive minutes during debate on the same question, and;
- C. No member shall discuss any individual or company in a derogatory manner without first notifying the party(ies) involved. Upon notice, the matter shall be placed on the agenda for a future meeting.

These constraints may be lifted by the Council President for good cause or by a 2/3's Roll Call vote of Councilors present.

**Roberts Rules of Order shall prevail on all matters not specifically covered by these Rules of Procedure.**

**RULE 6: MANNER OF VOTING**

- A. Roll Call votes shall be conducted in the following manner:
- B. The Clerk shall call the name of each City Councilor in alphabetical order. The first name on the roll call shall be rotated at every new meeting.

**RULE 7: COMMITTEES**

- A. Council Committees shall be established as set forth in City Charter Sections 2-9 a,b,c, and d.
- B. When a member of a Standing Committee is absent, the Committee Chairman should appoint another Councilor as an alternate member of said Committee with voting authority.
- C. Ad Hoc Committees may be established by the City Council, the members of which shall be appointed by the Council President.
- D. Should a Committee schedule a daytime meeting and any Councilor objects, the meeting shall be rescheduled to an evening meeting.

**RULE 8: ADMINISTRATIVE PROCEDURES**

- A. All requests of Councilors to the Mayor's Office or City Department Heads shall be processed through the Mayor's Office in writing (on standard "blue slip" memo forms with one subject to each sheet). Requests may also be processed in this manner through the City Clerk or the Clerk of Committees. There is no need to put such a "blue slip" request into the City Council record at Council meetings, unless special requests are voted officially by the full City Council.
- B. The Mayor's Administrative Assistant shall be responsible for implementing or otherwise responding to all Councilors' requests. In all cases, replies to the originating Councilor request(s) shall be processed and in hand within two weeks.
- C. In emergency situations, at their discretion, individual Councilors may contact the Director of Public Works or Department managers directly to make reasonable requests on behalf of citizens, but Councilors are not to influence employees in any way that may conflict with instructions from their Department Head or delegated supervisors.
- D. Official requests of the full City Council will be handled in a similar fashion by the Administration, but interim and final reports should appear in the Mayor's Bi-Weekly Reports to the City Council.

**RULE 9: VACANCIES IN POSITIONS OF CITY CLERK OR CITY AUDITOR**

- A. Within one week of the council learning of a vacancy or impending vacancy in the City Clerk or City Auditor's positions, the positions shall be advertised in a Boston and a local newspaper on two consecutive days and in one Boston Sunday newspaper. The weekday advertisements shall appear simultaneously.
- B. Advertisements shall indicate that the applications must be in a sealed envelope with the words "Auditor Application" or "Clerk Application" clearly printed on the outside and mailed to the City Clerk's Office. Applications must be received by the City Clerk's Office no later than three weeks from the first day of advertisement.
- C. Upon receipt of applications by the City Clerk, each envelope shall be date stamped, sequentially numbered but not opened.
- D. The City Clerk shall deliver the applications marked "Clerk Application" to the Ordinances and Administration Committee and applications marked "Auditor Application" to the Budget and Finance Committee, where the applications shall be opened, evaluated and screened to select a group of six finalists for personal interview by the Committee.
- E. The appropriate City Council Standing Committee, after reviewing resumes, conducting personal interviews, and doing reference checks shall submit the names of three finalists to the full City Council no later than five weeks from the closing date of the application period.
- F. Following receipt of the report of the Ordinance and Administration Committee, the City Council shall conduct interviews and make a final selection within two weeks.

**RULE 10: SPECIAL PERMITS**

- A. During discussion of Special Permits, Councilors are required to give testimony on their reasons for voting based upon the judging criteria in Section 1.4.2.2.(e) of the Zoning Ordinance.

#### **RULE 11: MINUTES**

- A. Minutes of Council meetings shall only be altered or approved by the full City Council at a regularly scheduled meeting.

#### **RULE 12: TRANSFERS and AUTHORIZATION for SIGN-OFF**

- A. City Council Transfers are to be signed by the Department Head, being defined as the Chairman or Vice Chairman of the appropriate Standing Committee of the City Council. In the absence of the Chairman or Vice Chairman, the Council President is authorized to sign.
- B. Sign Off Authority:
- Authority to sign off on City Council, Personal Services, Line 5110 to City Clerk
  - Authority to sign off on City Council, Ordinary – Contracted Services – Line 5200 to City Clerk
  - Authority to sign off on City Council, Ordinary Account lines 5710 and 5720 to Budget and Finance Committee Chairperson or, in his/her absence, Budget and Finance Committee Vice Chairperson.

(Revised 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94/, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 by Vote of the City Council)

\*\*\*\* ORAL COMMUNICATIONS \*\*\*\*

The public shall have the opportunity at every meeting to be heard under "ORAL COMMUNICATIONS" on matters not appearing on the agenda. "ORAL COMMUNICATIONS" shall allow any resident who has a request or complaint of any nature relative to City business to appear before the Council, state their problem, without debate, and the matter shall be referred to the proper agency through the Office of the Mayor. The resident must be notified in writing within a two (2) weeks period of disposition of same, and a copy shall be forwarded to the City Council. Persons speaking under "ORAL COMMUNICATIONS" shall be limited to five (5) minutes each. Advise people who have a particularly important (to the City) subject that they may want to be placed on a future agenda. The Council President shall not allow complaints as to individual performance or character.

\*\*\*\* RULES OF PROCEDURE \*\*\*\*

Rule 4. Public Hearings:

All public hearings conducted by the City Council shall proceed with the following format which shall be printed on the back of the meeting agenda.

- A. Public Hearing Opened by Council President.
- B. Presentations From Proponents. Petitioners may make initial oral presentations up to thirty (30) minutes; others speaking in favor shall be allowed up to five (5) minutes each. Proponents are encouraged to enter into the record, documentation of their presentation testimony.
- C. Presentations From Opponents. Opponents shall be allowed initial oral presentations up to thirty (30) minutes in total; others speaking in opposition shall be allowed up to five (5) minutes each. Opponents are also encouraged to enter into the record documentation of their testimony.
- D. Communications. Read into the record and filed.
- E. Rebuttals. Proponents shall be allowed one person to make rebuttal up to five (5) minutes; and, opponents shall be allowed a total of five (5) minutes by one (1) person representing the opposition.
- F. Questions. By City Councillors and the audience to either side.
- G. Public Hearing Officially Closed.
- H. Standing Committee Reports. The three (3) standard conditions placed upon all Special Council Permits shall be printed on a sheet of paper and handed to the applicant and the reading of same shall be waived each time after the Public Hearing.
- I. Council Discussion.
- J. Roll Call Vote (s).





## **CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER**

**ORDER:** #CC2010-012  
**COUNCILLOR:** Jackie Hardy

**DATE RECEIVED BY COUNCIL:** 03/16/2010  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** as in accordance with Section of 2-7(a) of the City Charter that the City Council review reappointment of the City Clerk, and further

**ORDERED** that this matter be referred to O&A.

Councillor Jackie Hardy

## City of Gloucester Job Description

**Title:** City Clerk

**Supervisor:** City Council

**Grade:** M8

**Civil Service:** N/A

**Union:** Exempt

**Supervision Exercised:** Provides supervision to Assistant City Clerk and clerical staff of the City Clerks Office.

**Responsibilities:** Plans, organizes, and directs specialized clerical operations of the City Clerk's, Elections, and City Council Departments. May serve as Clerk of the City Council; conducts all elections; serves as Clerk to the City Council; participates in all activities prescribed by State Law and City ordinances.

### **Duties:**

- Serves as custodian of City records; supervises the recording and reporting of vital statistics, including births, deaths, marriages, ordinances, planning and zoning board decisions, personal property mortgages, tax liens, bills of sale and other documents. Certifies copies of records; provides reports of activities to various State, Federal, and City agencies.
- Supervises the issuing of permits and licenses in accordance with State laws and City ordinances, e.g. hunting, fishing, dog, shellfish, amusements, raffles, etc. Collects and records fees; maintains records.
- Serves as the Chief Election Official of the City; as Clerk to the Board of Registrars of Voters, officiates at all elections and assists in the tabulation of votes; prepares reports on election returns. Oversees voter registration, prepares ballots, supervises election officials and workers, administers campaign finance laws, certifies nomination papers and initiative petitions, accepts candidate petitions and interprets election laws. Prepares election records and reports all official election results to the Secretary of State.
- As Clerk to the City Council, attends all meetings, serves as parliamentarian; supervises the recording of minutes of meetings, the preparation of materials for council meetings, and the notification of parties of actions taken at meetings. May oversee other city-related special events and functions.
- Serves as overseer of Open Meeting Law, may conduct classes and responds to queries regarding the state ethics and conflict of interest laws.

- Administers oath of office to elected and appointed City Officials; attests all official documents of the City with the City Seal; informs all elected and appointed officials in writing of the State's open meeting, conflict of interest, ethics laws and codes.
- Conducts the annual City Census; prepares street list of residents, school list, and furnishes the jury list to the offices of the Jury Commissioner. May prepare redistricting plan(s) as required by law.
- Serves as voting member of the Gloucester Licensing Commission and regulates vending, taxi's, junk dealers, etc. doing business within the City.
- Provides access to public records, including the provision of certified copies of vital records, minutes of public meetings, ordinances, etc. May assist with genealogical research for members of the public. Responsible for the maintenance, disposition, and preservation of municipal archival records and materials.
- Prepares annual departmental report for City Clerk, City Council and Elections Departments and supervises maintenance of department accounting records. Prepares annual report to the Mayor and Council.
- Exercises direct supervision over Assistant City Clerk and several clerical personnel; assigns work, evaluates performance and provides training and technical guidance as necessary.
- Maintains effective communications with all City Departments, the Mayor, City Council, and the public regarding questions of law, procedures and information related to City records.

**Qualifications:**

- Bachelor's degree, plus four years management experience in related field OR equivalent, combination (8 years) to be professionally qualified by virtue of education, training and experience.
- A minimum of two years supervisory experience.
- Knowledge of management and accounting principles.
- Considerable knowledge of state and local laws governing elections, licensing, vital statistics and related laws governing operations of City Clerk's office.
- Good knowledge of parliamentary procedures.
- Considerable knowledge of City organization.
- Considerable knowledge of office practices and procedures, particularly records maintenance.
- Ability to interpret and follow detailed legislative procedures.
- Ability to make accurate arithmetic calculations.
- Ability to speak and write effectively.
- Ability to maintain records and prepare reports.

- Ability to establish and maintain effective working relationships with the public, employees, City Council and other departments as well as State and Federal officials.

person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand.

(e) *Vote Required* -- All actions in section 2-6 shall require a two-thirds (2/3's) vote of the full city council.

(Referendum of 11-3-87)

### **Section 2-7. City Clerk; City Auditor.**

(a) *Election* -- (Not sooner than forty-five nor more than sixty days - Deleted, 12/9/2002) Not sooner than ninety days and no more than one hundred twenty days - (Approved 12/9/2002) following the date on which the city council has organized, it shall elect a city clerk and a city auditor to hold office for terms of two years and until their successors are qualified. The city council may remove either of said officials from office, for cause, before the expiration of their term by majority vote of the full city council. Any vacancies which may exist in said offices shall be filled by the city council for the balance of the unexpired term.

(b) *City Clerk* -- The city clerk shall be the custodian of all records of the city, the keeper of vital statistics, and shall have such powers and duties with respect to the regulation and supervision of elections and the issuance of licenses as are provided by law. The city clerk may have such additional powers and duties as the city council may from time to time prescribe.

(c) *City Auditor* -- The city auditor shall keep and have charge of the accounts of the city. He shall regularly audit the books and accounts of all city agencies and shall have such other powers and duties with respect to the regulation of the financial affairs of the city as are provided by law. The city auditor may have such additional powers and duties as the city council may from time to time prescribe.

**Code references**--City clerk generally, § 2-60 et seq.; city auditor, § 2-100 et seq.

**State law reference(s)**--Manner of election of city officers, M.G.L.A. c. 39, § 3, c. 43, § 18; city clerks generally, M.G.L.A. c. 41, § 12 et seq.; appointment and term of city clerks, M.G.L.A. c. 43, § 18(3); auditors generally, M.G.L.A. c. 41, § 48 et seq., c. 43, § 18.

### **Section 2-8. Council Staff.**

(a) Deleted 12/9/2002) *Clerk of the Council* -- The city clerk shall serve as clerk of the council. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by the charter, by ordinance or by other vote of the city council. The city council shall, by ordinance, establish a salary schedule and a job description for the clerk of the council.

**Editor's note**--There is no subsection (b) to this section in the present city charter.

### **Section 2-9. Council Standing Committees.**

(a) *Designation of Committees* -- There shall be three standing committees of the city council: A committee on budget and finance, to which may be referred by a (two-thirds (2/3's) - Deleted, 12/9/2002) simple majority - (Approved 12/9/2002) vote of the full city council every matter which would involve an expenditure by the city; a committee on ordinances and administration, to which may be referred by a (two-thirds (2/3's) - Deleted, 12/9/2002) simple majority - (Approved 12/9/2002) vote of the full city council every matter which in the form of adoption is categorized an "ordinance," or the effect of which is of more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk; and a committee on planning and development, to